

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR,)
et al)
))
 v.) C.A. No. 00-105L
))
THE PALESTINIAN AUTHORITY,)
et al)
))

**PALESTINIAN DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO REPLY TO PLAINTIFFS'
OBJECTION TO DEFENDANTS' RULE 12(b)(1) MOTION**

Defendants the Palestinian Authority ("PA") and the Palestine Liberation Organization ("PLO") hereby move for an enlargement of time to Friday, September 12, 2003 to reply to plaintiffs' objection to defendants' Rule 12(b)(1) Motion to Dismiss the Amended Complaint. As grounds for this Motion, defendants state as follows:

1. Defendants' Rule 12(b)(1) motion was filed on June 13, 2003, in accordance with the reference of the Court of Appeals in its judgment of May 27, 2003 to the filing of a properly supported Rule 12(b)(1) motion by defendants. The motion is supported by a memorandum and exhibits for which leave to file was granted that were attached to an affidavit by Nasser Al- Kidwa, the Ambassador of Palestine at the United Nations.

2. Plaintiffs on or about June 23, 2003 filed a motion for an enlargement of their time to respond to defendants' Rule 12(b)(1) motion to July 31, 2003. The memorandum in support of plaintiffs' motion for enlargement stated that the opposition plaintiffs planned to file would be supported by the affidavit testimony of "both expert and fact witnesses" and will "demonstrate that the factual claims made in defendants' motion and supporting affidavit are false." (p. 2) The motion for enlargement to July 31 was granted without opposition.

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3. On August 8, 2003 plaintiffs filed their objection to the Rule 12(b)(1) motion, a week late, again without objection, supported by a lengthy memorandum (29 pages) and fourteen exhibits, several of substantial length. They included the declaration of a law professor at the University of Toronto as an expert and various documents relating to the Israeli-Palestinian Peace Process. The exhibits were received by ordinary 1st class mail by defendants' counsel in Rhode Island on August 8, 2003 and in New York on August 11, 2003.

4. The time being requested by defendants for their reply to plaintiffs' objection is reasonably necessary to permit appropriate analysis of the facts and law and expert opinion tendered by plaintiffs, to permit consultation with Palestinian officials and others and to provide defendants adequate time to prepare their reply. The issues relating to subject matter jurisdiction framed by defendants' Rule 12(b)(1) motion and plaintiffs' objection are fundamental, bear on the validity of any judgment rendered and are of considerable public importance. They should be included in this Court's consideration of subject matter jurisdiction and will be presented by any appeal.

WHEREFORE, defendants PA and PLO respectfully request that this Motion be granted and that they be allowed to reply to plaintiffs' objection to defendants' Rule 12(b)(1) Motion to Dismiss the Amended Complaint on or before Friday, September 12, 2003.

Dated: August 13, 2003


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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of August, 2003, a copy of the within Palestinian Defendants' Motion for Extension of Time was mailed to David J. Strachman, Esq., McIntyre, Tate, Lynch and Holt, Suite 400, 321 South Main Street, Providence, RI 02903.

Denning? Sherman